



Georgia – Researched and compiled by the Refugee Documentation Centre of Ireland on 19 November 2009

Information on corruption among officials in Georgia

A report by the *US Department of State* under the heading ‘Arrest and Detention’ states:

“In September 2007, former defense minister Irakli Okruashvili gave a televised press conference in which he declared his opposition to the government and accused President Saakashvili of several serious crimes, including ordering him to kill prominent businessman Badri Patarkatsishvili. Police arrested Okruashvili and charged him with corruption later that month. Opposition leaders expressed concern that Okruashvili's arrest was politically motivated, constituted an attempt to intimidate the political opposition, and was part of a series of attacks on human rights by the government. Okruashvili was released on bail in October 2007 after making a videotaped confession to some of the charges against him and retracted his charges against Saakashvili. Okruashvili left the country in November 2007 and, in subsequent interviews from abroad, stated that his confession, retraction, and departure from the country had been forced. In November 2007, Okruashvili was arrested in Germany, and later returned to France, his original entry point into Europe. On March 28, Okruashvili was tried in absentia in Tbilisi, found guilty of large-scale extortion, and sentenced to 11 years in prison. On April 23, he was granted political asylum in France. On September 12, the French appellate court ruled against Okruashvili's extradition to Georgia. During the year members of Okruashvili's political party alleged that close associates or family members of associates were arrested for their party affiliation.” (US Department of State (25th February 2009) *2008 Human Rights Report: Georgia*)

This report also states under the heading ‘Denial of Fair Public Trial’:

“In June 2007, in cooperation with the Council of Europe, the High School of Justice established a curriculum for training judges. In 2007, the school began training judges, many of whom were expected to serve as magistrate judges, and continued in 2008. During the year the monthly salaries of judges at all levels continued to rise, reducing the incentive for corruption. Judicial salaries were 4,299 lari (approximately \$2,610) for Supreme Court judges, 2,300 lari (\$1,390) for appellate-level judges and 2,100 lari (\$1,270) for lower court judges.” (ibid)

This report also states under the heading ‘Government Corruption and Transparency’:

“The law provides criminal penalties for official corruption. While the government implemented these laws effectively against low-level corruption, which decreased as a result of high profile reforms led by the president, some

NGOs alleged that senior-level officials engaged in corruption with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

There was a general consensus among public officials and civil society organizations that levels of petty corruption fell after the 2003 Rose Revolution. In spite of this, high-level corruption remained a persistent concern, and observers considered the official anticorruption campaign too heavily focused on prosecution as opposed to prevention and too ad hoc rather than systemic and participatory in nature.

A number of politically active defendants in corruption cases alleged that they were victims of selective prosecution (see section 1.d.).

On July 30, the Ministry of Internal Affairs' Constitutional Security Department arrested the deputy economic development minister, Beka Okrostsvardize, and deputy head of the Ministry of Economic Development's Privatization Department, Lasha Moistsrapishvili, on charges of taking bribes. In connection with the case, Tamaz Machaladze was arrested for bribing the officials in an attempt to purchase state-owned land and buildings along the Rustavi-Tbilisi highway. The investigation was still underway at year's end." (ibid)

This report also states:

"In September 2007, Mikheil Kareli, the former mayor of Shida Kartli region, was arrested and charged with bribery and illegal business practices. Earlier several officials from the local administration, including Gori Governor Vasil Makharashvili, Deputy Chairman of the City Council Nugza Papunashvili, and Gaioz Dzanadia, were reported arrested on corruption charges. Kareli was released on bail later that month. In November 2007, the prosecution filed four additional charges against Kareli. Kareli failed to appear to face charges, and a warrant was issued for his arrest. On April 29, the courts filed an indictment to try Kareli in absentia in Gori district; the trial was ongoing at year's end. On July 23, French authorities arrested Kareli in France, and Georgian authorities requested his extradition to Tbilisi. At year's end French authorities had released Kareli on his own recognizance and were reviewing the extradition request. The press reported that Kareli had requested political asylum.

In 2006, the Ministry of Internal Affairs opened a criminal case that involved the company Colizeum Ltd. and Kutaisi public officials. The ministry charged the deputy mayor of Kutaisi, the acting head of the Service of Territorial Administration, and fifteen members of the Kutaisi mayor's office with neglect of official duty and exceeding the limits of official authority. All were accused of forging documents that paid Colizeum Ltd. more than 553,392 lari (approximately \$335,000) above the actual price for reroofing damaged houses in the city. In October 2007 all persons charged in the investigation were found guilty, fined, and released on probation. They also were denied the right to hold public office for three years.

In May 2007, David Kekua, the deputy head of the general inspection department of the Ministry of Internal Affairs, was charged with planting evidence during a high-profile murder investigation and held in pretrial detention. In October 2007 he was found dead in his cell in Tbilisi Prison

Number 7. Observers were concerned that at year's end the investigation into his death was still pending.” (ibid)

A report by the *Council of Europe Parliamentary Assembly* under the heading ‘The situation in specific member states’ states:

“According to the 2009 Global Corruption Barometer published by TI, the judiciary is the institution perceived to be most affected by corruption in Armenia, Bulgaria, Croatia, Georgia, Kosovo and "the former Yugoslav Republic of Macedonia". There is, therefore, a worrying distinction between these countries and the other, even more numerous ones where corruption is generally seen as a problem that afflicts all public institutions: since it is the justice system that is responsible for prosecuting the corrupt and protecting “whistle-blowers”, it is deeply discouraging for the public if the justice system itself is seen as being even more corrupt than other institutions.” (Council of Europe Parliamentary Assembly (6th November 2009) *Judicial corruption* pg.8 – 33)

This report also states:

“The co-rapporteurs of the Assembly’s Monitoring Committee on Georgia recently noted that “the authorities have initiated a comprehensive package of reforms of the judiciary and justice system, with the overall aim of strengthening the independence of the judiciary ...”, adding that they “intended [subsequently] to provide a detailed analysis of these reforms”. I would encourage them to analyse the specific issue of judicial corruption, and note with interest that in their previous report the co-rapporteurs had pointed out that major progress had been made “in moving from a corrupt judicial bureaucracy to a modern European judiciary system”, and that the reform of the judiciary in Georgia had “advanced at a quicker pace and with clearer objectives than in many other transformation societies of Central and Eastern Europe”. Several measures have been adopted in Georgia since 2004 to tackle the sources of judicial corruption, particularly by substantially increasing the remuneration of judges and reinforcing controls on bribery (several judges have been dismissed for accepting bribes). Nevertheless, while bribery has decreased, TI points out that the judiciary is still influenced by the executive. The current reform of the judiciary provides an opportunity for reinforcing its independence.” (ibid) (pg. 11 -45)

A report by *Freedom House* under the heading ‘Political Rights and Civil Liberties’ states:

“The current administration has made combating corruption a priority. Although Georgia continues to suffer from corruption, the country has worked to distinguish itself from the majority of its regional neighbors. Among the government’s recent achievements have been meaningful university-level education reforms that have helped to limit previously entrenched corrupt admissions and grading practices. A number of officials were arrested in 2004 for alleged graft during the presidency of Eduard Shevardnadze. In 2005, the government adopted an anticorruption plan aimed at improving the transparency and effectiveness of the civil service while strengthening the role of inspectors general within public agencies; the implementation of this plan is in its nascent stages. Despite progress in fighting lower- and mid-level corruption, Georgia apparently continues to suffer from corruption at elite

levels, and the political opposition has seized on the issue in its criticisms of the Saakashvili government. As the administration has become more insular, opportunities for cronyism and insider deals have grown. Georgia was ranked 67 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index." (Freedom House (2009) *Freedom in the World - Georgia*)

This report also states:

"The judiciary has been unable to establish itself as an independent institution, and it continues to suffer from extensive corruption and pressure from the executive branch. The payment of bribes to judges is reportedly common, and judicial reform efforts have been slow in moving forward.

The police force has improved its performance since the government dismissed half of its personnel in 2004 as part of an anticorruption overhaul. Among other results, the reforms led to a virtual eradication of corrupt vehicle stops by police to extract bribes from motorists—previously a part of daily life and still prevalent in nearly all other former Soviet republics. However, human rights ombudsman Sozar Subari has repeatedly accused the police of abusing and torturing detainees, and prison conditions in Georgia remain grim." (ibid)

A report by Elizabeth Fuller for *Freedom House* under the heading 'Corruption' states:

"Corruption. Since 2004, the Georgian authorities have waged a selective campaign against corruption that many believe exempts the president's closest entourage. International financial organizations have registered marked progress in the economy and business spheres, but Transparency International Georgia has listed numerous areas where the authorities have failed, whether out of inertia or lack of political will, to remedy perceived shortcomings. The rating for corruption remains unchanged at 5.00." (Freedom House (3rd September 2009) *Nations in Transit 2009: Georgia - Elizabeth Fuller*)

This report also states under the heading 'Independent Media':

"The widely held perception that the authorities do not hesitate to penalize media outlets and individual journalists for negative coverage effectively deters some journalists from engaging in overt criticism of the government, investigating suspected corruption involving senior officials, and reporting in depth on controversial political issues" (ibid)

This report also states:

"Transparency International's 2008 Corruption Perceptions Index registered a further improvement in Georgia's performance, ranking it at 67 out of 180 states—on a par with Ghana and El Salvador—with a score of 3.9, up from 3.4 in 2007 (10 is the best score on the index's scale of 1 to 10). But Transparency International Georgia pointed out that the 2008 index's ranking was based largely on data from 2006–2007 and noted in a September 26, 2008 press release that the Georgian authorities had failed to address shortcomings it highlighted one year earlier, specifically with respect to

effective reform of the civil service, increased scrutiny of public officials' assets, research-based anticorruption measures, increased transparency of plea-bargaining procedures, better access to information, improvement of the public procurement system, and targeted public spending.

The popular perception within Georgia is that while the authorities are merciless in targeting the most visible manifestations of petty corruption at the lowest level of the bureaucracy, such as extortion by traffic police, Saakashvili turns a blind eye to major corruption and abuse of power among his closest associates." (ibid)

An article by *Black Sea Press (Georgia)* under the heading 'Georgia Is 66th In The World Corruption Perception Index 2009' states:

"TBILISI. 18 November. Georgia is the 66th after the Corruption Perception Index 2009 among 180 world countries. The rating is made by Transparency International.

In 2009, Georgia got 4,1 points of 10 possible. In 2008, Georgia got 3,9 points, and it was the 67th.

'Despite ongoing internal political turmoil, which was exacerbated by the war with Russia in August 2008, Georgia's CPI score continues to increase, from 3.9 to 4.1. There is a general consensus among Georgians and the international community that petty corruption has been reduced significantly. However, concerns remain regarding high-level corruption and on corrupt practices in the judiciary. The government should focus on promoting greater transparency and public trust in agencies with an anti-corruption role and it should ensure that related reforms are continuously monitored and assessed.' press release of Transparency International reads." (Black Sea Press (Georgia) (18th November 2009) *Georgia Is 66th In The World Corruption Perception Index 2009*)

This report also states:

"Corruption Perception Index is made according to opinion of both the local and foreign businessmen as well as of the analysts concerning topicality of the problem of political corruption." (ibid)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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